

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERNIE HINES D/B/A COLORFUL MUSIC,

Plaintiff,

v.

EMI APRIL MUSIC INC., EMI
BLACKWOOD MUSIC INC., WARNER
CHAPPELL MUSIC INC., SHAWN
CARTER p/k/a JAY-Z, and TIMOTHY
MOSLEY p/k/a TIMBALAND

Defendants.

CASE NO. 1:20-CV-03535-JPO

**NOTICE OF MOTION TO DISMISS WITH PREJUDICE,
OR IN THE ALTERNATIVE, FOR IMPOSITION OF A BOND**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and declaration of Christine Lepera and upon all prior pleadings and filings in this Action and in the related action *Hines v. Roc-A-Fella Records, Inc.*, No. 1:19-CV-04587-JPO, Defendants W Chappell Music Corp. d/b/a WC Music Corp. f/k/a WB Music Corp. (incorrectly named as Warner Chappell Music Inc.) (“Warner”), Shawn Carter p/k/a Jay-Z (“Carter”), and Timothy Mosley p/k/a Timbaland (“Mosley”) (collectively, the “Moving Defendants”) will move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, Courtroom 706, New York, NY, before the Honorable J. Paul Oetken, United States District Judge, for an order dismissing the Second Amended Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6), or in the alternative, for an order requiring Plaintiff to post a bond as security for costs pursuant to L.C.R. 54.2.

DATED: New York, New York
January 7, 2021

MITCHELL SILBERBERG & KNUPP LLP

By: /s/ Christine Lepera

Christine Lepera

Jeffrey M. Movit

Leo M. Lichtman

437 Madison Ave., 25th Floor

New York, New York 10022

Telephone: (212) 509-3900

Facsimile: (212) 509-7239

Email: ctl@msk.com

Email: jmm@msk.com

Email: lml@msk.com

*Attorneys for Defendants W Chappell
Music Corp., Shawn Carter, and Timothy
Mosley.*